IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1014 OF 2005

IN

CRI. APPLN. NO. 309/2005

Tata Finance Limited .. Applicant.

V/s.

The State of Maharashtra & Anr. ..Respondents.

Shri S.P.Kanuga with A.G.Bhaktwani for the Applicant.
Shri A.S.Gadkari, APP for Respondent No.1 -State.
Shri A.P. Mundargi with Mr. S.S. Parab for Respondent No.2.

CORAM : A.M.KHANWILKAR, J.
DATED : FEBRUARY 16, 2005

PC :-

. As Shri Kanuga fairly accepts that the applicant has already carried the matter to the apex court against the order dated 7th February, 2005, it is not open for this court to pass any order. Hence, the application deserves to be rejected.

. It needs to be mentioned that the fact that the applicant has carried the matter to the Supreme Court is not stated in the application, which is filed before this court. Shri Kanuga justifies that aspect by stating that the present application was filed in the court in the morning of 14th of February, 2005;

whereas the matter before the Supreme Court has been moved thereafter. If this is so, the applicant ought to have fairly stated that position that he intends to take the matter to the apex court. Be as that it may, as the matter is now before the Supreme Court, it is not open for this court to entertain the applicant as filed. Hence, dismissed.

. Ordered accordingly.

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